IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5255 OF 2006

Janjagruti Probhodhan Manch Chopadi Petitioner
versus
Nagnath L. Shendage & another Respondents

ALONG WITH
WRIT PETITION NO.4342 OF 2006

Janjagruti Probhodhan Manch Chopadi Petitioner
versus
Mattekhane Jakir Hussen and anr. Respondents

Mr.M.S.Patankar for petitioners.
Mrs.M.P.Thakur, AGP for respondent nos.2.
Mr.A.M.Joshi for respondent nos.1

CORAM : F.I.REBELLO AND
R.V.MORE, JJ.

DATE : 29th January 2007

PC :

1. Rule in both the petitions. Heard forthwith.

2. The petitioners in both these petitions is the management who is running a school for Deaf and Dumb children with residential facilities. Respondent no.1 in both the petitions are employees whose services were terminated on the ground of absence from service. The respondents preferred appeals which came to be allowed and hence present petitions.

3. We have heard learned counsel for the parties. We find that the petitioners herein have raised a plea of limitation, in filing the appeals. That plea has not been answered by the appellate authority. Similarly, considering the provisions of MEPS Act and Rules framed thereunder, the appellate authority was bound to record a finding as to whether the termination has been effected without following due procedure under the MEPS Act and Rules. That has not been done. In the light of that, the impugned orders dated 14th March 2006 are set aside. The appellate authority to hear both the appeals within three months after hearing the petitioners and respondent nos.1 in both the petitions, on a copy of this order made available to the appellate authority. Rule is made absolute accordingly. There shall be no order as to costs. Considering the plea of limitation, it will be open to respondent nos.1 in both the petitions, if it is permissible in law, to apply for condonation of delay in preferring the appeals. Learned appellate authority to consider the same.

(R.V.MORE, J.) (F.I.REBELLO, J.)